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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,249	05/02/2001	Dennis Mendiola	YSAP.CHIKKA.PT3	5943
24943	7590	04/27/2005	EXAMINER	
INTELLECTUAL PROPERTY LAW GROUP LLP			BARQADLE, YASIN M	
12 SOUTH FIRST STREET			ART UNIT	PAPER NUMBER
SUITE 1205				2153
SAN JOSE, CA 95113			DATE MAILED: 04/27/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/846,249	MENDIOLA ET AL.	
	<b>Examiner</b> Yasin M Barqadle	<b>Art Unit</b> 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 06 January 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-6 and 9-13 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

**DETAILED ACTION**

**Response to Amendment**

1. Applicant's arguments filed on January 06, 2005 have been considered and are deemed persuasive. However, they are moot in view of the new ground(s) of rejection.

- Claims 1-13 are presented for examination.
- Claims 7-8 have been canceled.
- Claims 9-13 are newly added.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al USPN (6301609) in view of Fuchigami USPN. (6393463).

As per claim 1, Aravamudan et al teach an instant messaging system (abstract) comprising:

a plurality of clients (clients 142, 144, 150 and 150) having IM client applications of the same or different types;

an IM server (IM server 130) selectively connected to each of said clients via a computer network (fig. 1) and providing prescribed range of functionality to said clients [col. 4, lines 54 to col. 5, line 14];

each client type having a unique identifier to enable access thereto via said computer network [clients are registered with IM services provider col. 5, lines 2-8 and col.6, lines 45-63]; and

each client having a single account on said IM server for all of its client types that can access said IM server [client is registered with IM server and is given a unique ID col.6, lines 13-63];

wherein said account is identified by a unique identification number [col.6, lines 13-63]; and

wherein each said unique identifier of each client type of a said client is matched to said unique identification number of the particular client [col.7, lines 1-20].

Although Aravamudan et al shows substantial features of the claimed invention, he does not explicitly show an account common to all of the client types.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Aravamudan et al, as evidenced by Fuchigami USPN. (6393463). In analogous art, Fuchigami whose invention is about an electronic messaging system where plurality of devices (PDA device (5) and personal computer (6) access a mail server 3, fig. 1, using a common account [Col. 2, lines 6-37]. Giving the teaching of Fuchigami, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Aravamudan et al by employing the system of Fuchigami. One would be motivated to do so because users could access their electronic message from different devices with a common account and terminals can know the reception of electronic message at any time even on the move.

As per claim 3, Aravamudan et al teach an instant messaging system as claimed in claim 1, wherein said prescribed range of functionality includes:

- (i) sending a message from one client to another [col. 7, lines 15-33];
- (ii) receiving a message sent by one client to another [col. 7, lines 15-33]; and
- (iii) identifying which members of a group of clients that a client is a member or prospective member of are currently connected to the computer network or are probably so connected [col. 7, lines 15-33].

As per claim 4, Aravamudan et al teach an Instant messaging system as claimed in claim 1, wherein said computer network is the internet of direct electronic link of computers and other electronic devices [fig. 1 and col. 3, lines 28-52].

As per claim 6, Aravamudan et al teach a method for instant messaging (abstract) between a plurality of clients (clients 142, 144, 150 and 150) having IM applications of the same or different types (col. 6, lines 45-63), selectively interconnected to an IM server (IM server 130) by way of a computer network (fig. 1), whereby each client type has a unique Identifier to enable access thereto via the computer network (col.6, lines 32-63), the method comprising the following steps:

providing a single account on the IM server for each client in respect of all of its client types that can access the IM server (col.6, lines 13-63];

identifying the account by a unique identification number 13-63]; and

matching each unique identifier of each client type of that client to said unique identification number thereof [col.7, lines 1-20].

As for an account common to all of the client type, see the rejection of claim 1 above.

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As per claims 9-13, these claims have similar limitation as claims 1 and 3 combined. Therefore, they are rejected with the same rationale

3. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al USPN (6301609) in view of McDowell et al USPUB (20010034224).

As per claim 2, Aravamudan et al teach an instant messaging system as claimed in claim 1, wherein said client types include clients connected to the computer network via:

- (i) a Pc-based instant messaging client application program [pc 142];
- (ii) a GSM device [wireless cell phone 150];
- (iii) an Internet browser-based client application (col. 7, lines 26-33); or
- (iv) an email-based client application [col. 7, lines 26-33].

As per claim 2, although Aravamudan et al shows substantial features of the claimed invention, including wireless devices that receive and send data packets in a wireless network, he does not explicitly show a GSM network.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Aravamudan et al, as evidenced by McDowell et al US Pub. (20010034224).

In analogous art, McDowell et al whose invention is about an instant messaging system for sharing event information among mobile (wireless) devices, disclose a wireless network using GSM standards [paragraph 14, page 1]. Giving the teaching of McDowell et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Aravamudan et al by employing the system of McDowell et al because it facilitates the sharing of event information such as the presence on a network among mobile users, thereby allowing instant messaging to occur among wireless devices and devices that are on the Internet [paragraphs 0016 and 0028].

As per claim 5, McDowell et al, as modified, teach the instant messaging system as explained in claim 1, wherein the client types (22, 24 and 28) connected to the computer network via the GSM network (fig. 1) have SMS capability (message can be in the form of a short message on a small screen on the user's cell phone, paragraph 0040) and are initially connected via an SMSC server (SMS server 14, fig.1) to control and manage said SMS there between, and wherein said SMSC server is directly connected to said IM serer via said computer network [see fig.1 and paragraphs 0032-0035 page 2].

#### **Conclusion**

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4. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

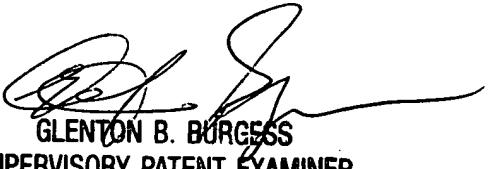
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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